

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AQUAVIT PHARMACEUTICALS, INC.,	:	
		Plaintiff, :
		19-CV-3351 (VEC)
		:
-against-	:	
		<u>AMENDED ORDER OF</u>
U-BIO MED, INC., GLOBAL MEDI PRODUCTS,	:	<u>REFERENCE TO THE</u>
and NYUN SHI EUM aka NYON-SIK EUM,	:	<u>MAGISTRATE JUDGE</u>
		:
		Defendants. :
		:
		-----X

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 4, 2021, Plaintiff moved to modify the modified preliminary injunction (“MPI”), at docket entry 65, based on Defendants’ alleged open and continuous violations of the MPI as well a recent ruling by the European Union Intellectual Property Office that Plaintiff alleges invalidates Defendants’ European Union trademark in its entirety, Dkt. 238;

WHEREAS on March 5, 2021, Defendants responded in opposition to the motion, arguing in part that the request was premature, inappropriately made as a letter motion, and that full briefing was more appropriate, Dkt. 239;

WHEREAS the Court has previously referred the determination of an appropriate amount of compensatory damages and a motion for coercive sanctions to Magistrate Judge Lehrburger, Dkts. 181, 186, 204; and

WHEREAS Plaintiff’s motion to modify the MPI relates in substance to the motions currently before Magistrate Lehrburger;

IT IS HEREBY ORDERED that the motion to modify the MPI is also referred to Judge Lehrburger, to be addressed in the same report and recommendation as the sanctions’ motions.

Judge Lehrburger is welcome to request additional briefing by the parties and to set a briefing schedule as needed.

SO ORDERED.

Date: March 5, 2021
New York, New York



VALERIE CAPRONI
United States District Judge